

KAZEROUNI LAW GROUP, APC
Ryan L. McBride, Esq. (SBN: 297557)
ryan@kazlg.com
Jonathan Gil, Esq. (SBN: 347431)
jonathan@kazlg.com
2221 Camino Del Rio S., #101
San Diego, CA 92108
Telephone: (800) 400-6808
Facsimile: (800) 520-5523

Attorneys for Plaintiff,
Thomas Doughty

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THOMAS DOUGHTY,

Plaintiff,

v.

PELICAN INVESTMENT
HOLDINGS, LLC d/b/a/ AUTO
SERVICE DEPARTMENT,

Defendants.

Case No.: 8:24-CV-01926-FWS-ADS

**PLAINTIFF'S STATEMENT OF
UNCONTROVERTED FACTS**





Material Facts as to which there is No Genuine Dispute.	Evidence in the Record
1. Between July 2022 and July 2024, Defendant called (610) 324-0995, more than once in any 12-month period.	<i>See</i> Exhibit A, Plaintiff’s Request for Admission (“RFA”) No. 1; Exhibit B, Declaration of Thomas Doughty (“Doughty Decl.”), ¶¶ 3-5.
2. Between July 2022 and July 2024, Defendant called (484) 202-0292, more than once in any 12-month period.	<i>See</i> Ex. A, RFA No. 2; Ex. B, Doughty Decl. ¶¶ 3-5.
3. Between July 2022 and July 2024, Defendant called (610) 428-0033, more than once in any 12-month period.	<i>See</i> Ex. A, RFA No. 3; Ex. B, Doughty Decl. ¶¶ 3-5.
4. Between July 2022 and July 2024, Defendant called (512) 934-4946, more than once in any 12-month period.	<i>See</i> Ex. A, RFA No. 4; Ex. B, Doughty Decl. ¶¶ 3-5.
5. Plaintiff is the residential telephone subscriber for the phone numbers (610) 324-0995, (484) 202-0292, (610) 428-0033, and (512) 934-4946, which he registered on the National Do Not Call registry, on or before January 17, 2022.	<i>See</i> Ex. B, Doughty Decl. ¶ 3.



1 2 3	6. Defendant called each of Plaintiff's phone numbers on more than one occasion to solicit auto warranties.	<i>See</i> Ex. A, RFA Nos. 5, 6, 7, 8; Doughty Decl. ¶ 4-5.
4 5 6 7 8	7. Defendant or its agents have introduced itself as "Auto Service Department," "Vehicle Service Department," "Vehicle Processing Department," or "ASD Warranty."	<i>See</i> Ex. A, RFA Nos. 10, 11, 12, 13; Doughty Decl. ¶ 6.
9 10	8. Defendant or its agents also solicit home warranties.	<i>See</i> Ex. A, RFA No. 14; Ex. B, Doughty Decl. ¶ 5.
11 12	9. Plaintiff repeatedly asked Defendant or its agents to stop calling him.	<i>See</i> Ex. A, RFA No. 15; Ex. B, Doughty Decl. ¶ 9.
13 14	10. Defendant calls consumers as part of telemarketing campaigns.	<i>See</i> Ex. A, RFA No. 17; Ex. B, Doughty Decl. ¶¶ 6-8.
15 16 17 18	11. Between July 2022 and August 2024, Defendant or its agents called Plaintiff's Phone Numbers, in total, more than 500 times.	<i>See</i> Ex. A, RFA No. 23; Ex. B, Doughty Decl. ¶ 5.
19 20 21	12. To date, Defendant or its agents called Plaintiff's Phone Numbers, in total, 655 times.	<i>See</i> Ex. B, Doughty Decl. ¶ 5; <i>see also</i> Ex. A, RFA Nos. 23, 24.
22 23 24 25 26 27	13. In July of 2022, Defendant or its agents did not maintain policies to check the National Do Not Call Registry prior to make phone call solicitations.	<i>See</i> Ex. A, RFA No. 25.



1	14. Between July 2022 and August 2024,	<i>See</i> Ex. A, RFA No. 26.
2	Defendant or its agents did not	
3	maintain an internal do not call	
4	registry for individuals who asked not	
5	to be called.	
6	15. Between July 2022 and August 2024,	<i>See</i> Ex. A, RFA No. 27.
7	Defendant or its agents did not update	
8	an internal do not call registry as to	
9	Plaintiff's Phone Numbers.	
10	16. Plaintiff never provided his consent	<i>See</i> Ex. B, Doughty Decl. ¶¶ 5, 9.
11	to be called by Defendant.	
12	17. Plaintiff filed his Complaint against	<i>See</i> ECF No. 1; Exhibit C, Declaration of
13	Defendant on September 5, 2024.	Jonathan Gil ("Gil Decl."), ¶ 3.
14	18. On September 10, 2024, Plaintiff	<i>See</i> ECF No. 8; Ex. C, Gil Decl. ¶ 4.
15	served Defendant a copy of the	
16	summons and complaint in this	
17	action.	
18	19. On November 5, 2024, Plaintiff	<i>See</i> ECF No. 5; Ex. C, Gil Decl. ¶ 5.
19	requested the Clerk of the Court to	
20	enter default against Defendant for its	
21	failure to file an Answer.	
22	20. On November 12, 2024, the Clerk of	<i>See</i> ECF No. 13.
23	this Court filed an entry of Default	
24	against Defendant.	
25	21. On December 4, 2024, after	<i>See</i> ECF No. 16; Ex. C, Gil Decl. ¶ 7
26	Defendant's counsel made his	
27		
28		



1	appearance, the Parties agreed to set	
2	aside entry of default.	
3	22. Defendant filed its Answer to	<i>See</i> ECF No. 18.
4	Plaintiff's Complaint on December	
5	27, 2024.	
6	23. On February 7, 2025, Plaintiff's	<i>See</i> Ex. C, Gil Decl. ¶ 8; <i>see generally</i> ,
7	counsel sent Defendant's counsel a	Ex. A, RFA.
8	Notice of Deposition, Requests for	
9	Admission, Interrogatories, and	
10	Requests for Production.	
11	24. On March 11, 2025, Defendant's	<i>See</i> Ex. C, Gil Decl. ¶ 9.
12	counsel requested an extension until	
13	March 21, 2025, to respond to	
14	Plaintiff's Discovery Requests and	
15	Plaintiff's counsel granted the	
16	extension.	
17	25. On March 21, 2025, Defendant's	<i>See</i> Ex. C, Gil Decl. ¶ 10.
18	counsel requested a second extension	
19	until March 28, 2025, to respond to	
20	Plaintiff's Discovery Requests and	
21	Plaintiff's counsel granted the	
22	extension.	
23	26. On April 8, 2025, Plaintiff's counsel	<i>See</i> Ex. C, Gil Decl. ¶ 11.
24	requested an update on the discovery	
25	responses and Defendant's counsel	
26	asked for an additional 48 hours to	
27	follow-up.	
28		



1 2 3	27. By April 14, 2025, Defendant's counsel had not followed-up pursuant to its representation on April 8, 2025.	<i>See Ex. C, Gil Decl. ¶ 12.</i>
4 5 6 7 8 9 10 11	28. On April 14, 2025, Plaintiff's counsel sent Defendant's counsel a letter explaining that Plaintiff's counsel has not received any responses or objections to the discovery requests and indicated that all of the Requests for Admissions are deemed admitted pursuant to Fed. R. Civ. P. 36(a)(3).	<i>See Ex. C, Gil Decl. ¶ 12.</i>
12 13 14 15 16 17 18	29. On June 5, 2025, Plaintiff's counsel spoke with Defendant's counsel pursuant to L.R. 7-3 and Defendant's counsel conceded that the Requests for Admission had been deemed admitted pursuant to Fed. R. Civ. P. 36(a)(3).	<i>See Ex. C, Gil Decl. ¶¶ 13-14.</i>
19 20	30. To date, Defendant has not provided any responses to discovery.	<i>See Ex. C, Gil Decl. ¶ 15.</i>

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

Date: July 7, 2025

By: s/ Ryan L. McBride
Ryan L. McBride, Esq.
Attorney for Plaintiff